

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, AT ARTICLE 5, DIVISION 6, ENTITLED “BOATS, DOCKS, SEAWALLS, ETC.”, SPECIFICALLY AT SECTION 5-601 ENTITLED “BOATS” AND SECTION 5-602 ENTITLED “DOCKS” REQUIRING STERN-TO-MOORING DOCKING; REQUIRING EXPRESS WRITTEN PERMISSION OF ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION OF A HOIST; AND LIMITING THE PROJECTION INTO WATERWAYS TO NO MORE THAN TWENTY-FIVE (25) PERCENT OF THE WIDTH OF THE WATERWAY OR CANAL; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

Sec. 5-601. Boats.

E. Mooring of boats. The following regulations shall apply to the mooring of boats within the city:

- ~~1. In all residential districts, where boats are permitted to be moored in canals or inland waterways, all boats shall be moored parallel to the property line abutting the canal or waterway.~~
- ~~2.~~1. In all residential districts, where boats are permitted to be moored in canals or waterways, all boats shall be moored to mooring piles, docks, boatlifts, boat davits, hoists or similar mooring structures, in a stern-to-mooring configuration, and at no time shall boats or vessels be moored to another boat or vessel. No boats shall be moored to floating vessel platforms, hydro-hoists or similar structures.
- ~~3.~~2. No boat shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the lot line of any adjacent property, unless there is a written agreement from the adjacent property owner(s) to allow such an extension.
- ~~4.~~3. No boat slips, docks, boat davits, hoists, mooring pilings and similar mooring structures may be constructed by any owner of any single family lot unless a principal residence exists on such lot.
4. No hoist may be constructed by any owner of any single family lot without the express written permission of adjacent property owner(s).
5. The renting of docks, dock space, or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in residential districts.
6. In all residential districts, where boats, which were permitted prior to the adoption of these LDRs are properly permitted and allowed to be moored to mooring piles perpendicular to the property line abutting the canal or waterway, said mooring shall be considered non-conforming uses and can continue to be moored in such manner as long as the boat does not exceed the maximum waterway encroachment for that specific canal.
7. Nothing in this division shall relieve any property owner from complying with any applicable federal, state or county regulations or requirements.
8. A property owner may request a variance from the provisions of this section upon a showing that any required approval from any federal, state or county agency requires that the provisions of this section be varied.

Sec. 5-602. - Docks.

- A. ~~{Regulation.}~~ The regulation of boat docks, piers, wharves, floating vessel platforms, hydro-hoists, boatlifts, dolphins and mooring piles or piers of any nature shall be in accordance with any applicable Florida State, City, or Miami-Dade County laws.
- B. Projection into waterways.
1. No dock, wharf or similar structure shall be constructed over or in any navigable canal or waterway, or on abutting land which extends more than six (6) feet outward from either the property line or the bank of such navigable canal or waterway, or the face of the seawall cap whichever is closest to the edge of water, or greater than fifteen (15) feet into Biscayne Bay from either the property line or the established bulkhead line, or the face of the seawall cap, whichever is closest to the edge of water.
 2. The extension of mooring piles (dolphins), floating vessel platforms, hydro-hoists, boatlifts and watercraft shall be limited as follows:
 - a. Waterways or canals: No more than ~~twenty (20)~~ twenty five (25) percent of the width of the waterway or canal, or a maximum of twenty-five (25) feet, whichever is less, as measured from the property line.
 - b. Biscayne Bay: no more than thirty-five (35) feet from the property line.
 - c. Nighttime reflectors shall be affixed to all docks and mooring piles that extend more than five (5) feet into any waterway.